

:1:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUIT NO. 1310 OF 1986

Zenith Tin Works P.Ltd ...Plaintiffs.

VS.

Falcon Shiping Co.

Ltd and Ors. ...Defendants.

H. D'souza i/by/. Pandya and Poonawala

for the plaintiffs.

V.K. Rambhadran, advocate

for defendant no.1 and 3.

Sameer Vakhare i/b. R.A. Fernandes

for defendant no.;2.

U.J. Makhija, advocate

for defendant no.6.

CORAM: S.U. KAMDAR, J.

DATE : 3RD FEBRUARY, 2006.

P.C. :

1. Learned counsel for defendant no.1 and 3 states that he has no objection in payment being handed over to the plaintiff which is lying with defendant no.5. In the interim order dated 16/5/96 it was provided that if the plaintiff fails to bring the money, the money to come from defendant no.1 and 3. However in view of the no objection the payment can be made to the plaintiff herein. The plaintiff states that in the aforesaid circumstances he does not wish to press the suit any further and he is satisfied if the defendant no.5 makes the payment. The defendant no.5 is directed to refund the amount as accrued to the plaintiff as directed by an order dated 16.5.86 passed in Notice of Motion no. 1180 of 1986. Suit disposed off accordingly. No order as to costs.

sd/-
